

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VIVIAN BURNS,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

Case No. C20-1555RSM

MINUTE ORDER

The following MINUTE ORDER is made by direction of the Court, the Honorable Ricardo S. Martinez, Chief United States District Judge: This case is closed. On January 25, 2022, the Court stated it “will not consider further memoranda or declarations filed in this case that attempt to argue the merits of [Plaintiff’s] dismissed claims.” Dkt. #61 at 2. The Court has denied Rule 59 and Rule 60 motions and a motion for reconsideration filed by Plaintiff. Dkts. #57 and #64. On March 3, 2022, the Court struck Plaintiff’s “2nd Motion for Substantive Due Process and Evidentiary Hearing” as duplicative. Dkt. #66. In that Minute Order, the Court stated it “will continue to strike further filings in this case that attempt to argue the merits of Plaintiff’s dismissed claims or which seek relief that has already been denied.” On March 10, 2022, the Court struck Plaintiff’s “Motion for Declaratory Judgment” via Minute Order. Dkt. #70. That Minute Order stated:

1 Declaratory judgment is not available in this closed case. Plaintiff
2 cites to no rule or law permitting her to seek declaratory judgment
3 given the procedural history of this case. Plaintiff's Motion instead
4 is phrased as a series of questions to the Court about its prior rulings,
5 available post-judgment relief, and discovery issues. The Court
6 cannot provide legal advice and has no obligation to answer these
7 questions. To the extent Plaintiff is seeking relief under Rules 59 or
8 60 that has already been denied, such request is duplicative.

9 Dkt. #70. The Court then warned Plaintiff that "future filings presented for an improper purpose
10 or with frivolous legal contentions may result in sanctions under Federal Rule of Civil Procedure
11 11."

12 On March 18, 2022, the Court received a "Complaint" from Plaintiff with the case number
13 C20-1555 RSM in the caption. It was initially unclear to the Court if Plaintiff was seeking to
14 open a new case, because a complaint is typically the first document filed in a new case. Further
15 review indicates that this filing is essentially a "complaint" to the Court about issues in the instant
16 case. It seeks recusal of Chief Judge Martinez in this or perhaps a future case filed by Plaintiff.
17 Plaintiff reargues the merits of her claims and prior discovery issues. Plaintiff does not cite to
18 any law or rules permitting her requested relief in a closed case.

19 A motion for recusal in this case is properly stricken as moot as this case is closed. There
20 are no remaining issues to be heard by Judge Martinez in this case. The assignment of Judge
21 Martinez to any newly filed cases from Plaintiff is not an issue before the Court at this time.

22 Given all of the above, the Court STRIKES this filing, Dkt #71, as procedurally improper
23 and duplicative.

24 DATED this 22nd day of March, 2022.

25 RAVI SUBRAMANIAN, Clerk

26 By: /s/ Serge Bodnarchuk
27 Deputy Clerk
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